

REMARKS

Claims 1-30 are pending. Claims 1-10 were examined and rejected. Claims 11-30 were withdrawn by the Examiner.

Claim 1 is amended. Support for this amendment can be found throughout the specification, such as on page 13, line 29 to page 14, line 10 and page 17, lines 24 to 29; page 18, line 30 to page 19, line 8, for example. No new matter is added.

In view of the above amendments and the following remarks, the Examiner is requested to allow claims 1-10.

Rejection of claims under 35 U.S.C. § 102

Claims 1-10 were rejected under 35 U.S.C § 102(e) as anticipated by Wabl (WO03/074652) as evidenced by Takizawa et al. (J. Exper. Med. 1992, 176: 469-476). The Applicants respectfully traverse this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, the identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1566 (Fed. Cir. 1990).

The Applicants submit that Wabl does not disclose each and every element of the rejected claims. For example, Wabl does not disclose the first two steps of claim 1, namely: “contacting a mast cell with IgG” and “cross-linking said IgG in the presence of a candidate compound”.

Wabl’s method is therefore different from that being claimed and, as such, this rejection should be withdrawn.

In attempting to establish this rejection, the Examiner alleges that the screening method described on pages 26 and 27 of Wabl anticipate the rejected claims. However, the passages cited by the Examiner merely disclose a method in which activated mast cells are used. The cited passages make no mention of mast cells that are contacted with IgG as required by the rejected claims.

Thus, Wabl is deficient in that it fails to disclose each and every element of the rejected claims. Takizawa, cited by the Examiner to support a theory that Fcγ receptors are inherently activated by Wabl's method, fails to meet Wabl's deficiency. As such, this rejection is should be withdrawn.

Withdrawal of the rejection is respectfully requested.

The Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RIGL-047.

Respectfully submitted,
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